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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,230	01/19/2001	Zheng Fang	MOT-D2514	8837

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EXAMINER	
WAHBA, ANDREW W	

ART UNIT	PAPER NUMBER
2661	3

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/766,230	FANG, ZHENG	
	Examiner	Art Unit	
	Andrew W Wahba	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 January 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 January 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figures 1, 2A and 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5 and 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "said task" in line 4. There is insufficient antecedent basis for this limitation in the claim. The preamble refers to "said main self diagnostic task" in line 2.

Claims 11-15 are dependent on the "device of claim 6" (line 1, claims 11-15). Claim 6, however, is a method claim (line 1). The applicant should note that these claims might have been intended to depend on the device in claim 10.

In claim 15, the applicant claims the limitation "wherein said device is a settop box" (line 1). The specification refers to a communication gateway, but not to a "settop box". The meaning of the term "settop box" and the manner in which the claim is further limited is not understood.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-4 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mann (6,629,071) in view of Selig et al (5,521,958).

With regard to claim 1, Mann discloses a speech recognition system as illustrated in FIG. 3. Upon the receiving audio input step 510 (first input of a user) (Mann column 7, lines 43-45), Mann discloses a voice recognition module 530 (Mann column 7, lines 48-52) that proceeds (invoking) to a recognized input step 540 (Mann column 8, lines 18-22). Depending on the output of the recognized input step 540, Mann proceeds to either a re-prompt for audio input step 550 or a word and letter match step 560 (plurality of subtasks) (Mann column 8, lines 18-22). Mann proceeds to a play complete string step 580 and confirm step 590 (outputting a corresponding selection menu and receiving a second input) (Mann column 7, lines 55-59). In the event the confirm step 590 is "yes" (interpreted as valid), Mann proceeds to the perform action step 600 (selected sub task) that may be the retrieval of information from the caller based on the input (outputting ... reflecting the result of executing) (Mann column 8, lines 5-9).

Mann invokes a recognized input step 540, but does not disclose the invoking of a main self diagnostic task. Selig et al discloses a test head 10 that determines various parameter measurements (self diagnostic task) on the lines under test 12, 14 (Selig column 3, lines 36-39).

A person of ordinary skill in the art would have been motivated to combine the speech recognition system disclosed by Mann and the telecommunication test system disclosed by Selig et al so as to provide voice commands to the test head 10 (collectively Mann-Selig). Selig et al discloses a wireless headset 44 that can be used

with a hand held PC 16 and test head 10 to run automated tests via a voice response system (Selig column 4, lines 28-32).

At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to invoke a self diagnostic task so as to obtain the invention as specified in claim 1.

With regard to claim 2, 3 and 4, Mann determines that a caller does not have a DTMF telephone, in which case all inputs (first/second) would be solicited by voice recognition (voice) (column 6, lines 1-7).

With regard to claim 7, multilevel subtasks would only result in additional menu options.

With regard to claim 8, Mann discloses a system unit 145 that is connected to a LAN 250 as illustrated in FIG 1. Mann further discloses that system unit 145 is computer workstation (Mann column 4, line 66 – column 5, line 9). Mann does not explicitly disclose, the ability to download self-diagnostic tasks, subtasks, and their related files from other network devices. However, official notice is taken in that the downloading of files to a computer workstation from another network device connected via a LAN is well known in the art.

A person of ordinary skill in the art would have been motivated to download self-diagnostic tasks, subtasks, and their related files from other network devices so as to upgrade any of portions of the voice-processing software 210. At the time the invention was made, therefore it would have been obvious to one of ordinary skill in the art to which the invention pertains to have the ability to download self-diagnostic tasks,

subtasks, and their related files from other network devices to obtain the invention as specified in claim 8.

With regard to claims 9 and 10, Mann discloses a system unit 145 (device) that comprises a computer workstation (second processor/memory). System unit 145 is connected to a telephone network 110 (telephone) via connection 150 (connection/means for connection) as illustrated in FIG 1. Mann discloses a digital trunk adapter card DTA 160 (first processor) that is coupled to connection 150. Mann further discloses that system unit 145 contains voice-processing software 210 as well as an operating system (invoking/means for invoking), voice-processing software 210 (checking validity of user inputs/means for receiving and interpreting), user application 220 (reporting/means for voice reporting) and communication software 205 (Mann column 4, line 66 – column 5, line 9 and column 6, lines 17-19).

Mann discloses a computer workstation with a storage means, but does not disclose the storing of a main self diagnostic task. Selig et al discloses a test head 10 that determines various parameter measurements (self diagnostic task) on the lines under test 12, 14 (Selig column 3, lines 36-39).

A person of ordinary skill in the art would have been motivated to combine the speech recognition system disclosed by Mann and the telecommunication test system disclosed by Selig et al to provide voice commands to the test head 10. Selig et al discloses a wireless headset 44 that can be used with a hand held PC 16 and test head 10 to run automated tests via a voice response system (Selig column 4, lines 28-32).

At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to invoke a self diagnostic task so as to obtain the invention as specified in claims 9 and 10.

7. Claims 5, 6 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mann-Selig as applied to claims 1-4 and 7-10 above, and further in view of Heins et al (5,528,660).

With regard to claim 5, Mann discloses a voice recognition module 530 (interpreting) (column 7, lines 48-52) that proceeds to a recognized input step 540 (interpreted as valid) (column 8, lines 18-22).

Mann-Selig does not disclose that the input is an access code. Heins et al discloses an operational flow sequence of a direct test unit (DATU), in which the user is prompted for a security code (access code) in order to gain access to the testing features of the DATU (Heins column 6, lines 23-28).

A person of ordinary skill in the art would have been motivated to combine the test unit disclosed by Selig et al with the DATU disclosed by Heins et al so as to secure access to the functions of the test unit.

At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to include an access code for the test unit so as to obtain the invention as specified in claim 5.

With regard to claim 6, Heins et al does not explicitly disclose the accessibility of subtasks depending on access-code groups. However, the use of access code groups to enable different users to access different functions is well known in the art.

With regard to claim 11 and 12, Mann determines that a caller does not have a DTMF telephone, in which case all inputs (first/second) would be solicited by voice recognition (voice) (Mann column 6, lines 1-7). Otherwise they could be solicited by the telephone keypad and associated DTMF tones.

With regard to claim 13, Mann discloses a system unit 145 that is connected to a LAN 250 as illustrated in FIG 1. Mann further discloses that system unit 145 is computer workstation (Mann column 4, line 66 – column 5, line 9). Mann does not explicitly disclose, subtasks including download update tasks, subtasks, and their related files from other network devices. However, official notice is taken in that the downloading of files to a computer workstation from another network device is well known in the art.

A person of ordinary skill in the art would have been motivated to download self-diagnostic tasks, subtasks, and their related files from other network devices so as to upgrade any of portions of the voice-processing software 210. At the time the invention was made, therefore it would have been obvious to one of ordinary skill in the art to which the invention pertains to have the ability to download self-diagnostic tasks, subtasks, and their related files from other network devices to obtain the invention as specified in claim 13.

With regard to claims 14 and 15, Mann discloses a system unit 145 that comprises a computer workstation. System unit 145 (device/settop box) is connected to a telephone network 110 via connection 150 and LAN 250 as illustrated in FIG 1 (Mann column 4, line 66 – column 5, line 9). Mann further discloses a server system 300 attached to LAN 250 that supports speech recognition software (voice over Internet protocol). Mann does not specifically disclose a cable television network, but discloses a telephone network 110 and LAN 250.

A person of ordinary skill in the art would have been motivated employ a cable network when providing Internet access via cable modem. At the time the invention was made, therefore it would have been obvious to one of ordinary skill in the art to which the invention pertains to employ a cable network to obtain the invention as specified in claim 14 and15.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W Wahba whose telephone number is (703) 305-4684. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Wahba AW

June 24, 2004

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